



**STATEMENT OF
TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS (TAPS)
BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON DISABILITY ASSISTANCE
AND MEMORIAL AFFAIRS**

LEGISLATIVE HEARING

**PRESENTED BY
CANDACE WHEELER
DIRECTOR, POLICY**

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The Tragedy Assistance Program for Survivors (TAPS) is the national provider of comfort, care, and resources to all those grieving the death of a military loved one. TAPS was founded in 1994 as a 501(c)(3) nonprofit organization to provide 24/7 care to all military survivors, regardless of a service member's duty status at the time of death, a survivors' relationship to the deceased service member, or the circumstances of a service member's death.

TAPS provides comprehensive support through services and programs that include peer-based emotional support, casework, assistance with education benefits, and community-based grief and trauma resources, all at no cost to military survivors. TAPS offers additional programs including, but not limited to: a 24/7 National Military Survivor Helpline; national, regional, and community programs to facilitate a healthy grief journey for survivors of all ages; and information and resources provided through the TAPS Institute for Hope and Healing. TAPS extends a significant service to military survivors by facilitating meaningful connections to other survivors with shared loss experiences.

In 1994, Bonnie Carroll founded TAPS after the 1992 death of her husband Brigadier General Tom Carroll, who was killed along with seven other soldiers when their Army National Guard plane crashed in the mountains of Alaska. Since its founding, TAPS has provided care and support to more than 100,000 bereaved military survivors. In 2021 alone, 9,246 newly bereaved military survivors came to TAPS for care. This is an average of 25 new survivors coming to TAPS each and every day. Of the survivors seeking our care in 2021, 31% were grieving the death of a loved one to illness and 27% were grieving the death of a military loved one to suicide.

As the leading nonprofit organization offering military grief support, TAPS builds a community of survivors helping survivors heal. TAPS provides connections to a network of peer-based emotional support and critical casework assistance, empowering survivors to grow with their grief. Engaging with TAPS programs and services has inspired many survivors to care for other more newly bereaved survivors by working and volunteering for TAPS.

TAPS also engages with our survivor community on issues of concern and advocates for improvements in programs, services, and benefits provided by the U.S. federal government, Department of Defense (DOD), Department of Veterans Affairs (VA), Department of Education (DoED), Department of Labor (DOL), and Department of Health and Human Services (HHS), and state and local governments.

TAPS and the VA have mutually benefited from a long-standing, collaborative working relationship. In 2019, TAPS and the VA entered into a new and expanded Memorandum of Agreement that formalized their partnership with the intent to provide extraordinary services through closer collaboration. Under this partnership agreement, TAPS works

with military survivors to identify resources available within the VA and private sector. TAPS and the VA further collaborate to address areas of relevance to all military survivors, such as education, burial, benefits and entitlements, grief counseling, and survivor assistance.

TAPS appreciates the opportunities provided by the quarterly VA and DOD Survivors Forum, which serves as a clearinghouse for information on government and private sector programs and policies affecting surviving families. Through its partnership with the VA and DOD Survivors Forum, TAPS shares information on TAPS programs and services that support all those grieving the death of a military loved one.

TAPS President and Founder, Bonnie Carroll serves on the Secretary of Defense Roundtable for Military Service Organizations and the Department of Veterans Affairs Federal Advisory Committee on *Veterans' Families, Caregivers, and Survivors* where she chairs the Subcommittee on Survivors. The Committee advises the Secretary of the VA on matters related to Veterans' families, caregivers, and survivors across all generations, relationships, and veteran statuses. Ms. Carroll also serves as a PREVENTS Ambassador for the VA's suicide prevention initiative.

MILITARY SURVIVOR-RELATED LEGISLATION

Chairwoman Luria and Ranking Member Nehls, and distinguished members of the House Committee on Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, TAPS thanks you for your leadership and for introducing legislation addressing concerns of significance to our survivor community. We are grateful for the opportunity to present our views on many important bills and discussion drafts on behalf of our nation's surviving families.

H.R. 1183: *Honoring The Oath Act Of 2021* (Rep. Takano)

TAPS Supports with Additional Language

TAPS appreciates Chairman Mark Takano (D-CA-41) of the House Committee on Veterans' Affairs for introducing the *Honoring the Oath Act of 2021* (H.R. 1183), which establishes the Military Family Immigration Advisory Committee and modifies the naturalization procedures for a noncitizen in the Armed Forces serving on active duty or in a reserve component, a veteran, or covered family member.

The legislation as currently written protects members of the Armed Services, veterans, and immediate family members. TAPS respectfully requests that the final bill includes surviving family members of service members or veterans who die as a result of their service prior to becoming a United States citizen.

H.R. 6131: Veterans Disability Claims Notification Improvement Act (Rep. Luria)

TAPS Strongly Supports

TAPS is grateful to Chairwoman Elaine Luria (D-VA-2) and Ranking Member Troy Nehls (R-TX-22) for introducing the *Veterans Disability Claims Notification Improvement Act* (H.R. 6131), which authorizes the VA to send electronic notices to claimants. TAPS believes that allowing for electronic transfer of information will help improve communication with surviving family members by empowering the VA to provide timely updates to surviving families on the status of their claims, and for surviving families to provide additional information electronically to the VA as required.

Surviving spouses consistently share with TAPS their communication challenges in accessing Dependency and Indemnity Compensation (DIC) from the VA. Each year, the VA sends a letter asking survivors if they have remarried. Surviving spouses are required to send back the letter confirming their marital status. The VA terminates DIC benefits for surviving spouses who return incorrectly completed letters and those from whom the VA does not receive letters.

The VA does not consistently send annual letters to every surviving spouse, complicating this process. As such, surviving spouses are not proactively expecting to receive letters. They also do not have an easy way to verify whether the VA received their returned letters, so many have no idea if the VA did not receive their letter until they stop receiving their DIC payments. Once VA turns off their benefits, it can take two to four months for VA to turn them back on, which can cause major financial issues for many surviving spouses with survivor benefits as their only source of income.

In addition, when surviving children turn 18-years-old but are still in high school, they are eligible to continue receiving DIC until they graduate high school and through the summer, if they enroll at an Institution of Higher Learning (IHL) for the fall semester. Six months before a surviving child turns 18-years-old, VA sends out a 21-674 form for them to complete. It takes anywhere from six to 18 months for VA to process these claims, causing massive delays in benefits for many surviving children.

TAPS has worked closely with the Veterans Benefits Administration (VBA) to find a solution. VBA's current recommendation is to design a new 21P-674 form catering specifically to DIC students turning 18 and communicate claims processors inconsistency errors as learning opportunities in the field. The VA has also indicated that the Data Analytics Team designed a report to monthly pull any files with claims for continued DIC, based on school attendance, and pushed out as a priority workload in an effort to bypass the National Work Queue.

H.R.6131 will help address these claims issues by strengthening the communication process between VA and surviving families. We believe that this bill will play a major role in starting to improve communication to survivors across VA, and increase survivors' level of confidence in ensuring their benefits are not stopped due to technical issues that are outside of their control. Communication is key to ensuring financial stability for many survivors. If they do not know what the problem is with their benefits then they cannot plan accordingly. TAPS also appreciates that this bill includes soliciting recommendations from stakeholders, so organizations like ours can continue to provide feedback to best support veterans, their families, caregivers and survivors.

H.R. 6165: *Department Of Veterans Affairs Post-Traumatic Stress Disorder Processing Claims Improvement Act Of 2021* (Rep. Neguse)

TAPS Strongly Supports

TAPS thanks Representative Joe Neguse (D-CO-2) for introducing the *Department of Veterans Affairs Post-Traumatic Stress Disorder Processing Claims Improvement Act of 2021* (H.R. 6165), which requires VBA to update an ongoing national training program for claims processors who review compensation claims for service-connected Post-Traumatic Stress Disorder (PTSD).

Many surviving families who have lost their loved one to suicide have shared with TAPS that one of the most significant contributing factors of their service members' death was PTSD. Surviving families also share that the PTSD claims process itself was often daunting and stressful for the veteran to navigate. Oftentimes, veterans gave up before finishing the claims process because it compounded their trauma by having to unnecessarily repeat the details of their trauma with multiple staff members and providers through multiple visits, phone calls, and telehealth appointments.

Streamlining the PTSD claims process should result in more claims being approved, thus validating veterans' needs, based on the rapport and trust with their VA providers, and therefore are more likely to stay within the VA system for care. These proactive efforts can be seen as highly preventative in nature and may potentially contribute to the reduction of future suicides.

For the families of veterans who tragically die by suicide, whose PTSD claims were never fully processed by the VA, not only are these surviving families left without benefits they are also left with no avenue for recourse. TAPS believes that standardizing the training program across all regional offices and providing claims processors with better resources regarding best practices will improve the claims process for PTSD veterans, and provide their families, caregivers, and survivors much needed compensation benefits.

Discussion Draft: DIC Modernization Act

TAPS Supports Intent but Not As Currently Written

The *DIC Modernization Act* amends Title 38, U.S. Code, section 103(d) by adding a new paragraph that would allow surviving spouses who remarry after 10 consecutive years of receipt or entitlement to DIC benefits to retain 50 percent of the amount payable under the provision, and those who remarry after 20 years to retain the full amount.

Current law significantly penalizes surviving spouses if they want to remarry before they are 55. Given that survivors from illness loss, suicide, and combat are more often younger than 55 and often have children and teens that they must raise alone, many surviving spouses choose not to remarry after the death of their service member because the loss of financial benefits would negatively impact them and their families.

This is a punitive restriction that is imposed on the military surviving family but not others who put their lives on the line to protect and defend. For example, most first responders in the United States are also allowed to legally remarry in the U.S. and maintain pensions and benefits- including in New York, Los Angeles, and Louisiana.

Retaining benefits upon remarriage is a top priority for TAPS and we appreciate the intent of this legislation, but we cannot support it as currently written. Surviving spouses widowed at age 25 would have to wait until 35 to remarry in order to retain 50 percent of their DIC benefits, and age 45 to retain 100 percent of DIC. Requiring surviving spouses to wait 20 years to remarry to retain full DIC benefits, places an additional undue burden on these survivors who have already lost their loved ones as a result of military service. Choosing to move forward with their lives, does not change the fact that they will always be survivors as illustrated by the following testimonials.

Surviving Spouse Asked to Remain Anonymous

"I was widowed when I was 24. The single most pervasive issue I have faced besides losing my husband, has been the knowledge that I will not be able to remarry without losing eligibility for my health insurance/access to crucial mental health services that I have relied on. Even with a bachelor's degree and a 9-5 job, I depend very heavily on my monthly DIC allotment to help me survive. I am in love with a man I cannot afford to marry, because despite how hard he works, his income would not cover the losses that marriage would bring to my life. As I approach my mid 30's, I feel that my relationship is valued less by others in our community because we are not married. It feels infantilizing to always have to refer to my 33-year-old partner, as a 'boyfriend' because to call him anything else threatens my ability to live comfortably and independently."

Rebecca Morrison Mullaney, Surviving Spouse of Captain Ian Morrison

“Ian was a West Point Graduate and Apache Helicopter Pilot; we were married at 21. He returned from a deployment to Iraq in 2012 emotionally wounded and in dire need of help. Despite our every effort, the help eluded him, and he died by suicide three months later. He was 26 and I was a 24-year-old widow.

Reading that sounds tragic, which it is...but it also sounds “tidy”, which it most definitely was not. The reality is that at 24, I came home from a night grad school class to find my husband dead in our bedroom. I was left to navigate the hardest days/weeks/months without my partner – moving from our home, losing my job, leaving our friends, burying my beloved husband, managing his affairs, and trying to figure out how to keep living. I somehow managed to graduate from my master’s program that spring with a degree in counseling, which I had planned at the time to use as a child therapist. As with everything in my life, that was put on hold while I focused on preventing military suicide and bringing some semblance of meaning to this senseless waste of life.

I write this ten years to the day of Ian’s death. I am remarried, running my private trauma therapy practice serving veterans, and most importantly, five months pregnant with a son that my husband and I plan to name after Ian. The past ten years I have scraped myself off the floor and worked tirelessly to try and save lives...both veterans and my own. I could not have done this without Ian’s benefits. The small portion of the education benefits I was able to use before remarrying helped me complete another graduate degree, one that would allow me to practice clinically, as my first program was cut short by his death. The monthly stipend allowed me to attend therapy daily and get my PTSD under control and the healthcare benefits granted me peace of mind.

My journey has been supported and enabled by the man now standing beside me, my husband Brennan. He is an Army veteran who understands the pain and suffering both Ian and I have endured. The wording of this bill leaves us both insulted. Having fully loved and been married to two men, I can confidently say that both are lifelong commitments. Ian is a part of our daily life; we talk about him and miss him constantly. Proposing that widows wait 10, 20 years to remarry suggests that we must put our lives on hold, lives that for many of us drastically changed at extremely young ages.

TAPS appreciates that the intent of this bill is to make progress on allowing surviving spouses to retain benefits upon remarriage. A long-term goal for TAPS is to secure the right for surviving spouses to remarry at any age and retain their benefits. We have been working closely with the Senate to introduce a comprehensive remarriage bill that addresses many key remarriage issues, to include retaining education benefits. We look forward to working with the House to introduce a companion bill.

Discussion Draft: To amend Title 38, U.S. Code, to update certain terminology related to marriage under the laws administered by the Secretary of Veterans Affairs (Rep. Newman)

TAPS Strongly Supports

TAPS thanks Representative Marie Newman (D-IL-3) for introducing legislation to update terminology related to marriage and to remove archaic language that unduly penalizes surviving military spouses and may cause them to lose their survivor benefits.

TAPS and The Military Coalition (TMC) Survivor Committee are committed to removing the “Hold Yourself Out to be Married” clause within the definition of surviving spouse and the term “opposite sex” in Title 38 U.S. Code, section 101, paragraph 3.

According to 38 U.S. Code § 101 Paragraph 3:

“(3) The term ‘surviving spouse’ means (except for purposes of chapter 19 of this title) a person of the **opposite sex** who was the spouse of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried or (in cases not involving remarriage) has not since the death of the veteran, **and after September 19, 1962, lived with another person and held himself or herself out openly to the public to be the spouse of such other person.**”

Many military surviving spouses choose not to remarry to protect their survivor benefits. Instead, some choose to live together with their significant others without marrying, still living in fear of losing their benefits. TAPS has collected stories from surviving military spouses helping to illustrate this issue, including the following personal testimonials:

“At the time of my husband’s death, we had been married for 18 years. His military career was all I’d ever known and our families only financial future. Multiple deployments and overseas moves greatly limited my ability to work. When he died, I found myself raising 3 kids alone without the means to financially support them and myself. Giving up his benefits for a choice of remarriage is not something I feel that I could ever do. Not only did he serve for those benefits, I served alongside him too. His benefits are also my benefits and the only retirement plan that I have.”

“I have been engaged to my boyfriend since June 2011. We have not married due to the penalty, nor do we live in the same household because I am in fear of common law marriage if we lived together. We have been together for 14 years. He has been very supportive in my decision to not remarry, so I do not have to work full time and have

more time to spend with my daughter. Being so young it has been difficult over the past 15 years. I am now 35-years-old, still unmarried and with no other children.”

The “Hold Yourself Out to Be Married” clause within title 38 U.S. Code, section 101, paragraph 3 also defines a surviving spouse as a person of the “opposite sex” and excludes same-sex marriages. While *Obergefell v. Hodges* fully legalized same-sex marriages and the VA has complied across the board, the VA has not updated certain statutes to be inclusive of LGBTQIA+ surviving spouses. This legislation would update the definition of surviving spouse to be inclusive of same-sex marriages.

TAPS appreciates the VA’s efforts to provide and strengthen services for LGBTQIA+ veterans, their families, and survivors, recognizing that this population often faces stigma and discrimination, affecting their health, mental health, and overall well-being.

Discussion Draft: *Honoring Our Promise: Ensuring Equity in Accessing Military and Veteran Survivors Benefits Act* (Rep. Luria)

TAPS Strongly Supports

TAPS is grateful to Chairwoman Luria for introducing the *Honoring Our Promise Act*, which amends Title 38, U.S. Code, to improve equitable access to certain benefits of the Department of Veterans Affairs for the survivors of veterans.

We appreciate that this important legislation incorporates the collection of demographic data from survivors receiving DIC, pensions under Chapter 15, and increased pensions for Aid and Attendance in consultation with the VA Federal Advisory Committee on Veterans’ Family, Caregiver, and Survivors; Advisory Committee on Minority Veterans; Advisory Committee on Women Veterans; and Veterans Service Organizations. TAPS has long believed that collecting data on veterans, their families, caregivers and survivors is an important component to understanding who we serve and how to improve the delivery of services and benefits to these populations.

TAPS also appreciates that this bill focuses on strengthening access to VA information regarding benefits and services to survivors, standardizing materials for websites and call centers that engage with survivors, and conducts an assessment of resources of the VA’s Office of Survivors Assistance (OSA).

TAPS has a great working relationship with OSA but far too many survivors are unaware that it exists until organizations like TAPS reach out on their behalf. We believe that expanding OSA, a small office with only a handful of staff, would help make the survivor experience more manageable and alleviate many challenges. If OSA were funded and

staffed appropriately it could become the entryway for surviving families who should be eligible for VA benefits and programs, but do not know where to start.

Discussion Draft: *Department Of Veterans Affairs Principles Of Benefits Automation Act* (Rep. Bost)

TAPS Strongly Supports

TAPS thanks Ranking Member Mike Bost (R-IL-12) of the House Committee on Veterans' Affairs for introducing the *Department Of Veterans Affairs Principles Of Benefits Automation Act*.

IT Modernization is a long term TAPS legislative priority, and we are grateful that funds have been allocated to update VA's IT systems. Determining what systems need to be updated and how they need to be updated should be regularly assessed to ensure that we are providing the best services for all veterans, families, caregivers and survivors. TAPS appreciates VA's leadership in rolling out many new IT programs over the last year. We know Benefits Automation is a priority for the VA and Congress, and we look forward to seeing further progress.

Discussion Draft: *Survivor Solid Start Act*: (Rep. Mrvan)

TAPS Supports With Technical Change

TAPS thanks Representative Frank Mrvan (D-IN-1) for introducing the *Survivor Solid Star Act*, which would amend Title 38, U.S. Code, to improve outreach by the Secretary of Veterans Affairs to dependents of deceased veterans.

TAPS consistently hears from survivors about their communication challenges in accessing and maintaining VA benefits. Strengthening communication and outreach services to each eligible surviving dependent on a consistent and proactive basis will greatly improve the benefit claims process for survivors. However, TAPS recommends a technical change to the legislative language to be less constrictive on how these outreach services should be conducted. Using various methods and platforms to reach out to survivors, with varying communication needs and preferences, would improve outreach efforts and the benefits claims process.

We appreciate that this legislation includes consultation with Veterans Service Organizations; the VA Veterans' Family, Caregiver, and Survivor Advisory Committee; and Advisory Committees on Women Veterans and Minority Veterans in developing and revising materials used in outreach services to survivors.

Discussion Draft: Directs the Secretary of Veterans Affairs to create fact sheets for veterans and for survivors that compare benefits and compensation to monthly insurance benefits under Title II of the Social Security Act, and supplemental security income under Title XVI of the Social Security Act.

TAPS Supports Intent

We appreciate any efforts to help veterans and survivors understand the various benefits and compensation that they may be eligible to receive. Creating separate fact sheets for veterans and survivors that compare and explain the eligibility requirements for DIC, Social Security benefits and Medicare Enrollments, and Supplemental Security Income (SSI) will help to ensure veterans and survivors are accessing all the benefits and compensation they are entitled to receive.

These fact sheets or Quick Start Guides could also help clarify when the receipt of one benefit is deducted from another, as is the case with SSI being subtracted from DIC payments. The VA has created dozens of Quick Start Guides over the years and we believe the authority already exists. However, TAPS supports the intent to create clear explanations of benefits and compensation, and how they interact with one another, to assist veterans and survivors with financial planning.

CONCLUSION

The Tragedy Assistance Program for Survivors thanks the leadership of the House Committee on Veterans' Affairs Subcommittee on Disability Assistance and Memorial Affairs, and its distinguished members for holding this legislative hearing. TAPS appreciates the opportunity to present a statement on behalf of our nation's surviving families.